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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,613	08/30/2001	Alan Goldsmith	D/A0621	9270
<div>7590 10/02/2007</div> <div>Albert P. Sharpe, III, Esq. Fay, Sharpe, Fagan, Minnich &amp; McKee, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518</div> <div>EXAMINER BEACH, THOMAS A</div> <div>ART UNIT 3671 PAPER NUMBER</div> <div>MAIL DATE 10/02/2007 DELIVERY MODE PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/943,613	Applicant(s) GOLDSMITH ET AL.	
	Examiner Thomas A. Beach	Art Unit 3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

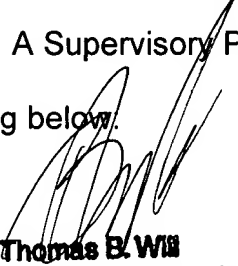
1. In view of the appeal brief filed on 05/29/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniel et al 7,171,372 or Abdel-Malek et al 6,959,235 or Moskowitz et al 6,339,736. Daniel, Abdel and Moskowitz show a method for ordering parts for a machine being serviced within an e-commerce environment, the method comprising: transmitting diagnostic data from a local computing device at the machine to a host computing device via a network; identifying a part to be replaced within the machine as a function of the diagnostic data, wherein when the part is included as a non-replaceable component in a replaceable sub-assembly within the machine, the identifying step further includes, identifying the part as the sub-assembly, and when the part is a replaceable component within the machine, the identifying step further includes, identifying the part as the component (claim 16); determining a part identifier as a function of the part and retrofit information stored on the host computing device; and transmitting the part identifier from the host computing device to an order processing device (fig 1, fig 1, fig 1, respectively).

As concerns claims 3 and 16-18, Daniel, Abdel and Moskowitz show determining other parts within the machine to be replaced as a function of the part identifier, since replacing one part in the machine may precipitate changing another part, and any additional parts to be replaced are identified within the retrofit information as a function of the part to be replaced (fig 2-3, fig 4, fig 2, respectively).

As concerns claim 4, Daniel, Abdel and Moskowitz show including: transmitting an identifier of the machine from the local computing device to a host computing device via the network, the part identifier and the retrofit information being identified as a function of the machine identifier (fig 2-3, fig 4, fig 2, respectively).

As concerns claim 5, Daniel, Abdel and Moskowitz show the local computing device is a discrete unit from the machine, the method further including: connecting the local computing device to the machine via a communication link (fig 2-3, fig 4, fig 2, respectively).

As concerns claims 6 and 19, Daniel, Abdel and Moskowitz show including: storing the diagnostic data within the local computing device (fig 1, 2-3, fig 1, 4, fig 1, 2; respectively).

As concerns claim 7, Daniel, Abdel and Moskowitz show including: transmitting a confirmation to the local computing device that the part identifier has been transmitted to the order processing device (fig 1, 2-3, fig 1, 4, fig 1, 2; respectively)..

As concerns claims 8, 13 and 20-21, Daniel, Abdel and Moskowitz show the identifying step includes: viewing a graphical representation of the machine via a display device; and zooming-in the graphical representation, via a pointing device (fig 4, 170a, 40; respectively).

As concerns claim 10, Daniel, Abdel and Moskowitz show communicating an order for a replacement part as set forth in claim 9, further including: producing the diagnostic data within the local processing unit (fig 1, 2-3, fig 1, 4, fig 1, 2; respectively).

As concerns claim 11, Daniel, Abdel and Moskowitz show communicating an order for a replacement part asset forth in claim 9, further including: maintaining the retrofit information on the central processing unit (fig 1, 2-3, fig 1, 4, fig 1, 2; respectively).

As concerns claim 14, Daniel, Abdel and Moskowitz show e selecting step includes: selecting successively detailed illustrations of the product; and selecting the part from one of the illustrations having a predetermined level of detail (fig 1, 2-3, fig 1, 4, fig 1, 2; respectively).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/

September 27, 2007

**THOMAS A. BEACH**  
**Primary Examiner**  
**Group 3600**